



CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

Judiciary Committee

PH March 19, 2010

Additional CBIA comments on HB 5523.

HB 5523 Sec. 3 comments:

- Employers generally do not conduct background checks, including criminal history checks, until an applicant is a final candidate, since it is an expensive process, and therefore used as a final screening step in the application process, rather than an initial screening step applied to many applicants.
- Criminal history background checks are considered background checks regulated by the Federal Fair Credit Reporting Act (FCRA),
- FCRA has very specific requirements of notice to a rejected applicant if adverse information revealed in a background check (including criminal history check) is relied upon in declining employment.
- Preliminary notice includes:
 - copy of the results of the background check, including FCRA info
 - the source of the adverse information, and
 - a preliminary notice to an applicant of the employer's intent to deny employment, giving the applicant reasonable time (several days) to respond with corrective information if the adverse info is incorrect
- Only after this sequence, can an employer issue final notice of rejection, and legally deny employment based on adverse info from a background check.